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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF PACIFIC ENERGY &
MINING COMPANY**

Docket No. 18-2602-01

**DIVISION OF PUBLIC UTILITIES'
REQUEST THAT THE COMMISSION
ORDER CERTAIN INFORMATION AND
DOCUMENTS TO BE TREATED AS
CONFIDENTIAL INFORMATION
UNDER THE COMMISSION'S RULES**

The Division of Public Utilities (Division) respectfully requests that the Public Service Commission of Utah (Commission) order certain information and documents, described more specifically below, to be treated as confidential information under Commission rules R746-1-601 through R746-1-606. The Division also wishes to collaborate with the Commission concerning how this information and these documents should be classified under the Government Records Access and Management Act, Utah Code Title 63G, Chapter 2 (GRAMA).

On December 2, 2019, Pacific Energy & Mining Company through Terry R. Spencer, Esq. filed certain a cover email and certain documents as attachments with the Commission and

served that filing upon Patricia Schmid, counsel for the Division; Al Zadeh, a Division employee; and Jimmy Betham, a Division employee. Those certain attachments filed by Mr. Spencer will be termed here as the Spencer Information. The cover email for the Spencer Information is attached as Exhibit 1. The Commission itself marked the Spencer Information as “confidential” in the docket sheet website entry for this case and the Spencer Information was not made available to view through the corresponding docket sheet website link.

On December 9, 2019, Dean Christensen, presumably on behalf of Dead Horse Oil Company, LLC (Dead Horse), sent an email to the Commission with an attachment containing information identical to the Spencer Information. Numerous including non-parties to this docket along with certain parties were copied on Mr. Christensen’s email to the Commission and it appears as though all the copied recipients were able to open the attachment. These non-parties included the Deseret News, the Salt Lake Tribune, and KRCL. Mr. Christensen’s December 9, 2019 email coversheet is attached as Exhibit 2. The attachment to Mr. Christensen’s email will be termed here as the Dead Horse Information.


Mr. Christensen did not mark or treat the Dead Horse Information as confidential despite the Commission marking and treating the identical Spencer Information as confidential and posting it as such on the Commission’s docket sheet website. The Commission, however, did mark and treat the Dead Horse Information as confidential on the Commission’s website docket sheet.

Because the Spencer Information has already been filed with the Commission and emailed to certain parties and the Dead Horse Information has been emailed to the Commission, parties, and non-parties, the Division requests that the Commission order the Spencer

Information and the Dead Horse Information to be marked and treated as confidential information consistent with the Commission's rules R746-1-601 through R746-1-605.

In particular, the Division requests that the Commission emphasize that the Spencer Information and Dead Horse Information shall not be provided or made available to review except in accordance with R746-1-602. In addition, the Division requests that as provided in R746-1-606, the Division and the Commission collaborate "to determine how the information [the Spencer Information and the Dead Horse Information] should be classified" under GRAMA.

Submitted this 11th day of December 2019.


Patricia E. Schmid
Attorney for the Utah Division
of Public Utilities